



# NEWS

Judicial Council of California  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 28, 2000**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-18 Friends of Sierra Madre v. City of Sierra Madre, S085088. (B129139; 76 Cal.App.4th 1061.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of mandate. This case concerns 1) whether the actions of the city resulting in a ballot measure proposing to remove certain properties from the city's register of historic places constitute a "project" within the meaning of the California Environmental Quality Act and 2), if so, whether a court may set aside the election at which the measure was approved because of the city's failure to obtain an environmental impact report. (See Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, §15378(b)(3).)

#00-19 Hoechst Celanese Corp. v. Franchise Tax Board, S085091. (C030702; 76 Cal.App.4th 914, mod. 77 Cal.App.4th 512b.) Petition for review after the Court of Appeal reversed the judgment in an action for refund of taxes. The case concerns this issue: When a multistate corporation amends its pension plan so that appreciated funds that exceed the amount necessary to cover its pension liabilities revert to the corporation, is the income obtained by the

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corporation “business income” (which is apportioned among, and taxable by, all jurisdictions in which the company does business) or “nonbusiness income” (which is allocated to, and taxable by, only the state in which the corporation is domiciled)? (See Rev. & Tax. Code, §§ 25120, subds. (a), (b).)

#00-20 People v. Lugas, S085015. (H018805; 76 Cal.App.4<sup>th</sup> 696.) Petition for review after the Court of Appeal affirmed an order denying a certificate of rehabilitation.

#00-21 People v. Woodson, S085092. (A083204; 76 Cal.App.4<sup>th</sup> 1051.) Petition for review after the Court of Appeal affirmed an order denying a certificate of rehabilitation.

In both Lugas and Woodson the court ordered briefing deferred pending decision in People v. Ansell, S079744 (see #99-116), which concerns whether application of newly adopted prohibitions on the issuance of certificates of rehabilitation to individuals whose crimes predate the amendments violates constitutional protections against ex post facto legislation.

#00-22 O'Brien v. Secretary of State, S085212. Original proceeding. This case concerns whether amendments to Business and Professions Code sections 6079.1 and 6086.65, changing the composition of the State Bar Court and providing for appointment of some hearing judges by the Governor and legislative officers rather than by the Supreme Court, violate the doctrine of separation of powers.

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